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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,929	06/29/2000	Reza Jalili	P/2832-14	6705
2352	7590	07/06/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/606,929	JALILI, REZA	
	Examiner	Art Unit	
	Stefano Karmis	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 July 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 and 33 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 and 33 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. The following communication is in response to Applicant's amendment, filed 02 July 2004.

***Status of Claims***

2. Claim 1, 4 and 33 are previously presented. Claims 16-32 and 34-54 are cancelled. Claims 2, 3 and 5-15 are originally filed. Therefore claims 1-15 and 33 are pending in this application.

***Response to Arguments***

3. Applicant's arguments, filed 02 July 2004, with respect to the rejection(s) of claim(s) 1-15 and 33 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as discussed below.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Fox et al.

(hereinafter Fox) U.S. Patent 6,560,581.

Regarding independent claim 1, Fox discloses a method in a transaction center of enabling a customer and a merchant to complete a purchase utilizing a first electronic network and a second electronic network: comprising the steps of: registering over the second network a customer's financial information in the transaction center (column 22, lines 31-43 and column 23, lines 30-42 and Figures 17 and 18); in response to the customer ordering over the first electronic network a good or service that the customer desires to purchase from a merchant, and the customer supplying identifying information to the merchant pertaining to the purchase (column 25, lines 11-30 and Figures 17 and 18); establishing, over the second network, a contact with the customer in which the customer is identified to the transaction center and the customer is enabled to express intent to complete the purchase (column 25, lines 31-60 and Figure 18); and electronically debiting an account of the customer and crediting an account of the merchant in order to complete the purchase (column 25, line 61 thru column 26, line 2).

Claim 2, further comprising the step in the transaction center of verifying the source of the customer's financial information (column 22, lines 30-51).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 3-15 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al. (hereinafter Fox) U.S. Patent 6,560,581 in view of Kight et al. (hereinafter Kight) U.S. Patent 5,873,072.

Claims 3 and 8, Fox teaches the second network is a public telephone system (column 25, lines 11-14). Fox fails to specify that identifying information in the telephone system includes a telephone number carried out using a CallerID system. Kight teaches a computerized payment

system by which a consumer may instruct a service provider by telephone to pay various bills in which identifying information is a telephone number (column 3, lines 21-67). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Fox and include identity information in a telecommunications system with a telephone number and CallerID because Fox already teaches the use of a telephone network for payments along with encryption procedures to provide security during transaction. Providing telephone numbers as taught by Kight is another manner to provide security when performing transactions in a telecommunications environment.

Claim 4, Fox teaches the second network is a public telephone system (column 25, lines 11-14). Kight teaches a computerized payment system by which a consumer may instruct a service provider by telephone to pay various bills in which identifying information is a telephone number (column 3, lines 21-67). Kight fails to teach an alternate phone number. Official Notice is taken that alternate phone numbers are old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Kight and include alternate phone numbers because it provides a safety net should the original number fail for some reason or become corrupt.

Claims 5-7, Fox teaches that the information supplied includes an invoice, and said identifying information pertaining to the customer includes a predetermined invoice lifetime selected by the user (column 25, lines 49-60).

Claim 9, Fox teaches the step of confirming to the customer and to the merchant over the first network that the purchase has been completed (column 25, line 61 thru column 26, line 2).

Claim 10, Fox teaches the second network is a public telephone system (column 25, lines 11-14). Kight teaches a computerized payment system by which a consumer may instruct a service provider by telephone to pay various bills in which identifying information is a telephone number (column 3, lines 21-67). Fox fails to teach selecting one order from a plurality of orders. Official Notice is taken that order selection is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Fox and include order selection because it provides an efficient manner to select, view, update or modify a payment in the transaction center.

Claim 11, Fox teaches wherein the step of debiting includes the steps of the transaction center supplying the customer's financial information over the second network, and the merchant completing the purchase by electronically debiting an account of the customer and crediting an account of the merchant (column 25, line 49 thru column 26, line 2).

Claim 12, Fox teaches further comprising the step of the transaction center confirming to the customer using said first electronic network that the financial information has been supplied to the merchant (column 25, lines 49-60).

Claim 13, Fox teaches wherein the step of debiting includes the steps of the transaction center completing the purchase by electronically debiting an account of the customer and crediting an account of the merchant (column 25, line 49 thru column 26, line 2).

Claim 14, Fox teaches the customer registers to the system. Fox fails to specify that the step of establishing contact is initiated by the customer. Official Notice is taken that transaction initiation is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Fox and include that the customer initiate the transaction because the customer chooses to purchase the goods and register into the system.

Claim 15, Fox teaches wherein said step of establishing contact with the customer is by the transaction center (column 25, lines 31-48).

Regarding independent claim 33, Fox teaches a method in a transaction center of enabling a customer and a merchant to complete a purchase utilizing a first electronic network and a second electronic network: comprising the steps of: registering over the second network a customer's financial information in the transaction center (column 22, lines 31-43 and column 23, lines 30-42 and Figures 17 and 18); in response to the customer ordering over the first electronic network a good or service that the customer desires to purchase from a merchant, and the customer supplying identifying information to the merchant pertaining to the purchase (column 25, lines 11-30 and Figures 17 and 18); establishing, over the second network, a contact

with the customer in which the customer is identified to the transaction center and the customer is enabled to express intent to complete the purchase (column 25, lines 31-60 and Figure 18); and electronically debiting an account of the customer and crediting an account of the merchant in order to complete the purchase (column 25, line 61 thru column 26, line 2).

Fox further teaches the second network is a public telephone system (column 25, lines 11-14). Fox fails to specify that identifying information in the telephone system includes a telephone number carried out using a CallerID system. Kight teaches a computerized payment system by which a consumer may instruct a service provider by telephone to pay various bills in which identifying information is a telephone number (column 3, lines 21-67). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Fox and include identity information in a telecommunications system with a telephone number and CallerID because Fox already teaches the use of a telephone network for payments along with encryption procedures to provide security during transaction. Providing telephone numbers as taught by Kight is another manner to provide security when performing transactions in a telecommunications environment.

Fox teaches the second network is a public telephone system (column 25, lines 11-14). Kight teaches a computerized payment system by which a consumer may instruct a service provider by telephone to pay various bills in which identifying information is a telephone number (column 3, lines 21-67). Fox fails to teach selecting one order from a plurality of orders. Official Notice is taken that order selection is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's

invention to modify the teachings of Fox and include order selection because it provides an efficient manner to select, view, update or modify a payment in the transaction center.

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
22 June 2005



HANI M. KAZIMI  
PRIMARY EXAMINER